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April 7th, 2015 Minutes

Brookings County Planning & Zoning Commission
April 7th, 2015 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 8:00 PM. Commission members present were: Lee Ann Pierce, Bob Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Randy Jensen and alternate Tom Davis and Roger Erickson.

Chair Robbins read **agenda item # 2: Approval of Minutes from March 4th, 2015 work session, March 5th, 2015 regular monthly meeting and March 20th, 2015 special meeting.** Darrell Nelson moved to approve the minutes. Laurie Nichols second. Chair Robbins called for a voice vote, 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Robbins read **agenda item # 4: Approval of Agenda.** Chair Robbins stated "Agenda item # 8: 2015var005: Buffalo Ridge II LLC has been withdrawn by the applicant, according to staff." Terrel Spence moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote, 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 5. Executive Session: Discuss legal matters with legal counsel. - SDCL 1-25-2 (3) (Legal Counsel).** Lee Ann Pierce moved to go into executive session. Kim Elenkiwich second. Chair Robbins called for a voice vote, 9-ayes and 0-nays, motion carried. Chair Robbins recessed the meeting to go into executive session at 8:05PM. Chair Robbins reconvened the meeting at 8:20 PM. Lee Ann Pierce moved to come out of executive session. Laurie Nichols second. Chair Robbins called for a voice vote, 9-ayes and 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Board of Adjustment", read the opening statement and **agenda item # 6. 2015var003: Edwin J. Balster has**

made an application, 2015var003, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "N650' of NE1/4 and S418' of N1068' of E708' of NE1/4 Section 4, T109N, R48W (Parnell Township)" ~~ located at 21413 481st Ave, Elkton, SD 57026. Darrell Nelson moved to approve the variance request. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Hill for a staff report. Mr. Hill stated "Mr. Balster has applied for a variance to build a new residence approximately 85 feet from the center of the road. The lay of the land drops off significantly just past the foundation of the old house. There is an existing shed approximately 65 feet from the center of the road. Letters were sent to the township board and we have received no comment from the township. During my site visit there is a considerable drop off from where he would like to build his new home, to the outbuildings behind it." Chair Robbins asked Mr. Balster to address the board. Mr. Balster stated, "He is planning on building a new ranch style home that is situated that one corner will not meet the setback. I would like to be farther to the west but the lay of the land drops off a lot and there is also a well a little farther to the west, that I want to stay away from. It is a nice site but is limited in building any type of structure, except for a two story farm house that was there." Chair Robbins opened up for discussion from the audience. Seeing none he asked for further discussion from the board. The board discussed; the location of the well; the angle the house will be built so only one corner is closer to the road; it's an existing building site with a mature shelterbelt. The hardship is, the lay of the land and the existing well. Chair Robbins asked Mr. Hill to go over the findings of facts, with the noted hardship, which are on file. Chair Robbins called for a roll call vote: Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye and Robbins-aye. 9-ayes and 0-nay, motion carried.

Chair Robbins read agenda item # 7: 2015var004: Rich Hansen has made an application, 2015var004, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "DeBoer's Lake Tetonkaha Subdivision Lot 13 in SE1/4 of Sec. 7, T111N, R51W (Oakwood Township)" ~~ located at 13 Oakwood Shoreline Dr, Bruce, SD 57220. Kim Elenkiwich moved to approve the variance request. Terrell Spence second. Chair Robbins asked Mr. Hill for his staff report. Mr. Hill stated, "Mr. Hansen would like to build a 12 feet x 20 feet three season room on his existing deck, approximately 20 feet from the lake side high water mark of Lake Oakwood, it will be in line with other existing structures and will meet all other setbacks. A portion of the parcel and the residence is in the flood plain, the addition would be considered a non-substantial improvement for floodplain purposes." Chair Robbins asked Mr. Hansen to address the board. Mr. Hansen stated, "We have an existing deck that goes around the trailer and want to enclose a corner of it. It will be a couple of feet off the ground, will not go any closer to the lake than the deck is currently and it will not go any closer to the neighbor's to the west."

Chair Robbins opened up for discussion from the audience, seeing none he asked for further discussion from the board. The board discussed how the high water mark is determined. Mr. Hill replied "If a lake has a designated high water mark or level, the setback would start at that level or mark; if it not does not have designated high water mark, like in this case, it starts at the terrestrial vegetation, which in this case it starts with the big tree leaning out over the water. The measurement would be from the base of that tree back." The board also discussed the hardship is the odd shape and size of lot, as nothing could done on the lot if you applied all the lake park setbacks. Chair Robbins to over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins stated "Agenda item # 8: 2015var005: Buffalo Ridge II LLC, by Nick Thiel has made an application, 2015var005, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "S466.69' of E466.69' in SE1/4 of Section 6, T112N, R48W (Oak Lake Township)" ~~ located at 47894 197th St, Astoria, SD 57213-5414, has been withdrawn by the applicant.

Chair Robbins stated "We are now acting as the Brookings County Planning and Zoning Commission", read the opening statement and **agenda item # 9: 2015cu003: Gary Seppanen has made an application, 2015cu003, to the 11: Section 11.01: "A" Agricultural District, Conditional Use # 6: "Contractors shops and yards". The property is described as: "S788' W of I-29 ROW in SW1/4 Brookings County Planning and Zoning Commission for a conditional use. Article SE1/4 & S788' of E1067' of SE1/4 SW1/4 in Section 6, T111N, R49W (Afton Township)" ~~ located at 47244 203rd St, Brookings, SD 57006.** Lee Ann Pierce moved to approve the conditional use request. Bob Rochel second. Chair Robbins opened up for discussion and asked Mr. Hill for his staff report. Mr. Hill stated "Mr. Seppanen was in last month and visited with the board about a contractor's yard and he has applied for a conditional use # 6: Contractor's yard. He would use the west half for his contractor's yard and the east half would be separated off as a homestead, which has an existing house. He has a concrete business and would use this area to store his equipment. No one from the township has contacted us. One neighbor contacted us, Dale Patrick and he has no objections." Chair Robbins asked Mr. Seppenan to address the board. Mr. Seppenan handed the board a copy of a road agreement with Afton Township to review, which is on file. Mr. Seppenan stated, "He would like to build a shop, he has 4 trucks and a few pieces of equipment, it would be mostly used for storage. The equipment would not be coming in every day, it would be at the job site during the summer. We would use the shop to work on equipment in the winter time." Chair Robbins opened up for discussion from the board. The board discussed: if he would bring used concrete out to the site; when the existing residence is split off from the parcel, no residence could be built on the remaining land that the shop would be built on and no living quarters could be built in the shop; he needs to

contact the township for adding another driveway; it was good the he had visited with the township and had a road agreement already in place. Mr. Seppen stated, "He does not do concrete removal and no used concrete would be brought out." Chair Robbins opened up for discussion from the audience. Seeing none he asked for further discussion from the board. Seeing none Chair Robbins asked Mr. Hill to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 10: Consideration of Plats: a. 2015plat016: "Plat of Lots 1, 2 and 3 of Moss Addition in the SE of Section 32, T109N, R47W of the 5th P.M., Brookings County, South Dakota."** Bob Rochel moved to approve the plat. Darrell Nelson second. Chair Robbins opened up for discussion and asked Mr. Hill for a staff report. Mr. Hill stated, "The owner, Mr. Moss is separating a quarter section of land into three lots. Lot 1 is .7 acres that contains a irrigation well and related components for an irrigation system in the NE quarter of section 32; Lot 2 is 143.2 acres of crop land with an easement for a waterline for an irrigator in the NE1/4 and Lot 3 is pasture/grass land with an easement for maintenance of drainage tile. This is located on the Moody/Brookings County line at 220th St and 486th Ave." Chair Robbins opened for discussion from the audience. Seeing none, he asked the board for further discussion, seeing none he called for a roll call vote. Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item 10: Consideration of Plats: b. 2015plat017: "Plat of Tract 1 of Leraas' Addition in the NE1/4 of Section 22, T111N, R49W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Randy Jensen second. Chair Robbins opened up for discussion and asked Mr. Hill for a staff report. Mr. Hill stated, "Deborah Leraas is platting off an existing building site at 20534 476th Ave, Brookings SD, off of the NE1/4 of Sec. 22, T111N, R49W in Afton Township that she owns. Her daughter Mandi Prinsen and her husband Travis are purchasing the property to build a new residence on. This is an existing homestead which is allowed to be subdivided, approximately 9.75 acres." Chair Robbins opened up for discussion the audience, seeing none, he asked the board for further discussion. Seeing none he called for a roll call vote. Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 11: Department Reports.** Chair Robbins asked Mr. Hill for his department report. Mr. Hill had Luke Muller address the board at this time to schedule a date to go over the comprehensive plat update. The board discussed and determined that Friday, April 24th, 2015 from 12-2 PM would be the date for the comprehensive plan work session.

Mr. Hill stated "You were given a summary of the conditional uses, "# 20-Home Extended Business" and "# 26 the other uses" that have been issued from 2005 to date. It was also sent to First District for the comprehensive plan update.

Chair Robbins adjourned the meeting at 9:25 PM.

Richard Haugen
Brookings County
Development Department.